

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b><i>Theme: A12 Acceptance of international norms</i></b>			
<p>124.3. Ratify OP-CAT (Spain); Sign and ratify OP-CAT as a matter of priority and found the national preventive mechanism accordingly (Czech Republic); Accede to OP-CAT and establish an effective national mechanism to prevent torture or degrading treatment (Bulgaria); Adhere to OP-CAT and consequently establish a national mechanism responsible to conduct visits to detention centres (Costa Rica); Consider ratifying OP-CAT (Slovenia); Rapidly complete the process of considering ratifying OP-CAT (Tunisia);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 8</p>	Noted	<p>A12 Acceptance of international norms  A44 Structure of the national human rights machinery  D25 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- persons deprived of their liberty</li> </ul>	<p>The NHRCK recommended already in 2006 that the Government should accede to OP-CAT, but there has been no significant development in this regard until now.</p> <p>The Government said, in its Mid-term Report of 2015, that a study on necessary legislative proposals for the accession to OP-CAT had been adopted as a 2015 agenda at the Korean Institute of Criminology, but it is not confirmed whether this study was actually carried out, nor has a final outcome of the study been published yet.</p> <p>The Government has the position that the NHRCK is, in practice, playing the role of a national preventive mechanism mentioned in OP-CAT. According to the NHRCK Act, the NHRCK has the powers to investigate into the complaints involving confinement and care facilities and visit the facilities for investigation, but the definition of confinement and care facilities under the NHRCK Act is narrower than the one under OP-CAT. That is, the Enforcement Ordinance to the NHRCK Act limits the scope of the places that the NHRCK may visit for investigation purpose to ‘confinement and care facilities’ such as prisons, lock-ups and mass care facilities, whereas the Article 4 of OP-CAT defines, as place of detention, “any place... where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence”, even including police vehicles, other vehicles for transportation of detainees and any other place of detention.</p> <p>In addition, the NHRCK’s visit for investigation should be</p>

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			paid, in principle, after a prior notice is given to the places or facilities that it will visit, <sup>1</sup> which is not compatible to the principle of investigation without notice under OP-CAT.
124.8. Sign and ratify the UNESCO Convention on Discrimination in Education (Iraq); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6	Supported	A12 Acceptance of international norms B31 Equality & non-discrimination E51 Right to education - General <b>Affected persons:</b> - general - children	N/A
124.6. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (Spain); Study the possibility of ratifying the CPED (Argentina); Sign and ratify the CPED (Iraq); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 11	Noted	A12 Acceptance of international norms D32 Enforced disappearances <b>Affected persons:</b> - disappeared persons - general	<p>On January 14, 2008, the NHRCK recommended the Government to sign and ratify CPED, but no significant change has been made in this regard. At the time of the recommendation, the NHRCK also stressed that CPED is needed to be ratified even if revision of some domestic laws could be necessary as follows:</p> <p><b>Definition of enforced disappearance</b></p> <p>The Criminal Code does not fully incorporate the definition of enforced disappearance under the CPED: “a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”</p> <p><b>Punishment of superiors</b></p> <p>It is not impossible to punish “any person who commits, orders, solicits or induces” in Article 6 (1) (a) of CPED under the provisions about joint-principals, incitement and instigator in the Criminal Code, while responsibility of superior of Article 6 (1) (b) and order or instruction of Article 6 (2) may not be punished under any current law. However, the latter</p>

<sup>1</sup> Article 3 (1) of the Enforcement Ordinance to the NHRCK Act (Visit to detention and protection facilities for investigation) In case the National Human Rights Commission of Korea (hereinafter referred to as “the Commission”) intends to pay a visit for investigation under the provision of Article 24 (1) of the Act, it should give a prior notice to the head or manager of the detection or protection facility concerned, specifying the reason, time and location of the visit. However, this shall not apply in the cases where a visit needs to be paid urgently or it is admitted that a prior notice may prevent the Commission from achieving the purpose of the visit.

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			<p>could be punished if Articles 4, 5 and 15 of the Act on the Punishment of Crimes within the Jurisdiction of the International Criminal Court be applied.</p> <p><b>Universal jurisdiction</b></p> <p>Article 9 (1) (a), (b) and (c) refer to territorial principle, active personality principle, and active personality principle (protective principle) respectively. The Criminal Code of the ROK has also the same provisions in Article 2, 3 and 6.</p> <p>Article 9 (2) formulates limited universal jurisdiction scheme jurisdiction, which allows States Parties can exercise its jurisdiction “when alleged offender is present in any territory under its jurisdiction.” Article 3 of the Act on the Punishment of Crimes within the Jurisdiction of the International Criminal Court can easily be applied to this case.</p>
<p>124.2. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Spain) ; Consider signing and ratifying OP-ICESCR (Palestine); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 7</p>	Noted	<p>A12 Acceptance of international norms E1 Economic, social &amp; cultural rights - general measures of implementation B51 Right to an effective remedy <b>Affected persons:</b> - general</p>	<p>The NHRCK, when it expressed its opinion about the fourth periodic report of the ROK on the International Covenant on Economic, Social and Cultural Rights (ICESCR), recommended the Government to make a progressive review on the possibility of acceding to the Optional Protocol to the ICESCR. The Government stated, in its Midterm Report of 2015, that it had commissioned a study in relation to the possibility of acceding to the OP-ICESCR and was in the process of reviewing final conclusions. However, as the Government has not provided any information on the results of the study and its position, it is not possible to ascertain the Government's position about the accession to the OP-ICESCR.</p>
<p>124.7. Continue to exert its utmost efforts to ratify ILO core Conventions, including the recent ILO C. No 189 on Decent work for domestic workers (Philippines); Ratify and implement the ILO Convention concerning Freedom of Association and Protection of the Right to Organise (Convention 87); ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain</p>	Noted	<p>A12 Acceptance of international norms E31 Right to work D27 Prohibition of slavery, trafficking E32 Right to just and favourable conditions of work E33 Trade union rights <b>Affected persons:</b> - general</p>	<p>Government has been reluctant to accede to the ILO Convention Concerning Decent Work for Domestic Workers, on the ground that some provisions of the Convention are in conflict with the national legislation, whereas the NHRCK recommended the Government to sign and ratify the Convention on 23 December 2016.</p> <p>Among the eight Core Conventions of the ILO, the ROK has</p>

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Collectively (Convention 98); ILO Convention concerning Forced or Compulsory Labour (Convention 29); and ILO Convention concerning the Abolition of Forced Labour (Convention 105) (Uruguay); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 12			yet to ratify Conventions Nos. 87 and 98 on freedom of association and Conventions Nos. 29 and 105 on elimination of forced labour. <sup>2</sup>  The Government is passive about ratifying Conventions Nos. 87 and 98, because it is reluctant to acknowledge civil servants' and teachers' rights to organize trade unions and engage in strikes. In addition, the Government is passive about ratifying Conventions Nos. 29 and 105, on the ground that social service work, an alternative to military service, may be regarded as forced labour. However, the NHRCK, judging that social service work does not constitute forced labour as defined in the ILO Conventions, and recommended the Government to ratify those Conventions in November 2006.
124.4. Consider an early ratification of the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC) (Slovakia); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 9	Noted	A12 Acceptance of international norms F31 Children: definition; general principles; protection B51 Right to an effective remedy <b>Affected persons:</b> - children	With regard to the ratification of the third Optional Protocol to the Convention on the Rights of the Child (OP3-CRC), the Government said that “review is underway regarding domestic remedies and relevant court rulings”, but has not submitted any clear information on the progress or a plan to accede to or ratify the OP3-CRC.
124.9. Adhere to the Hague Convention on Protection of Children and Co-operation in respect of	Supported	A12 Acceptance of international norms F31 Children: definition; general principles; protection	The Government signed the Hague Convention on Protection of Children and Cooperation in respect of Intercountry

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Principles	Eight Fundamental Conventions	Ratification
Freedom of association	Freedom of Association and Protection of the Right to Organise Convention (No. 87)	No
	Right to Organise and Collective Bargaining Convention (No. 98)	
Prevention of forced labour	Forced Labour Convention (No. 29)	
	Abolition of Forced Labour Convention (No. 105)	
Prevention of child labour	Minimum Age Convention (No. 138)	Yes
	Worst Forms of Child Labour Convention (No. 182)	
Anti-discrimination	Equal Remuneration Convention (No. 100)	
	Discrimination (Employment and Occupation) Convention (No. 111)	

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<p>Intercountry Adoption (France); Ratify the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Honduras); Accede to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (Ireland);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6</p>		<p>F32 Children: family environment and alternative care</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- children</li> </ul>	<p>Adoption in May 2013, but had a plan to ratify the Convention once the relevant legal and institutional framework is in order. However, no progress has been made since then. The bill for ‘the law on intercountry adoption’, a national implementing law for the ratification of the Hague Convention, was proposed in December 2015 but, upon termination of the National Assembly session, was automatically discarded. The same bill was submitted to the session of the National Assembly now in progress (in September 2016), but it is pointed out that the bill needs to be improved.</p>
<p>124.1. Study the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the Second Optional Protocol to the International Covenant on Civil and Political Rights, (ICCPR-OP2) aiming at the abolition of the death penalty, the Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (Argentina);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6</p>	Supported	<p>A12 Acceptance of international norms</p> <p>G4 Migrants</p> <p>D23 Death penalty</p> <p>E31 Right to work</p> <p>D25 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>B21 Right to self-determination</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- migrants</li> <li>- persons deprived of their liberty</li> </ul>	<p>See Recommendation 124.3 above, with regard to the OP-CAT</p> <p>In regard of the accession to the second OP-ICCPR, the death penalty system should be abolished in advance. The NHRCK has consistently called for the abolition of death penalty, including in its recommendation for the 3rd NAP on Human Rights (in July 2016), but the Government has shown no significant change in its relevant policy actions.</p> <p>After the Supreme Court ruled, in the case of ‘Migrants Trade Union (MTU) of Seoul and Gyeonggi Area’ in June 2015, that migrant workers can organize or join a trade union even when they do not have a valid work permit, it has become possible for migrant workers to organize or join a trade union. Still, the Government has made no significant change in its policy actions in relation to the ratification of ICRMW.</p>
<p>124.5. Further consider acceding to the relevant Conventions, especially the ICRMW in line with its domestic legislative process (Cambodia); Consider ratifying the ICRMW (Philippines); Consider ratifying ICRMW (Rwanda); Consider the possibility of adapting national legislation in order to allow for the ratification of ICRMW (Algeria); Consider acceding to the ICRMW (Morocco); Accede to ICRMW (Sudan); Ratify the ICRMW (Chile); Ratify the ICRMW, in order to better protect the rights of</p>	Noted	<p>A12 Acceptance of international norms</p> <p>G4 Migrants</p> <p>E31 Right to work</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- migrants</li> </ul>	<p>See Recommendation 124.1. above</p>

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migrant workers, including undocumented migrant workers (Indonesia); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 10			
<b>Theme: A13 Reservations</b>			
124.10. Consider withdrawing the remaining reservations to international human rights instruments to which it is a party (namely to the CRC, ICCPR, OP-CRC-SC, CEDAW) (Slovenia); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 13	Noted	A13 Reservations D51 Administration of justice & fair trial F31 Children: definition; general principles; protection D1 Civil & political rights - general measures of implementation F12 Discrimination against women <b>Affected persons:</b> - general - children - women	<p>The following are the reservations that the ROK has made to the international human rights treaties to which it is a State Party:</p> <ul style="list-style-type: none"> <li>a) Article 22 (freedom of association) of the ICCPR;</li> <li>b) Article 16 (1) (g) (right to choose a family name) of the CEDAW; and</li> <li>c) Article 21 (a) (adoption authorization system) and Article 40 (2) (b) (v) (the guarantee of the right to a review by a higher authority or body) of the CRC</li> </ul> <p>In regard of a), as the reservation restricts civil servants' right to organize a trade union, the Government needs to make efforts to guarantee three basic labour rights for civil servants so that the reservation to Article 22 of the ICCPR may be withdrawn.</p> <p>In relation to b), some progress has been made in that, with the revision of the Civil Act in 2005, it is now possible to use mother's family name as one's own. However, the principle is that father's family name should be chosen first and mother's may be used on the condition of an agreement between the parents, which means that 'the freedom of choosing a family name' is not fully guaranteed in this country.</p> <p>In regard of c), the Government should positively consider withdrawing the reservation to the 'adoption authorization system', particularly given that the relevant national legislation and institutions have been improved, as described in the Government's Mid-term Report of 2015.</p>
124.11. Withdraw its reservations on Article 21(a) of the Convention on the Rights of the Child	Supported	A13 Reservations F32 Children: family environment and alternative care <b>Affected persons:</b>	See Recommendation 124.10. above

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(Germany); Lift its reservation to article 21 (a) of the CRC (Ireland); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6		- children	
<b>Theme: A24 Cooperation with special procedures</b>			
124.16. Extend an invitation to the Special Rapporteur on Torture (Belarus); Strengthen cooperation with the relevant UN human rights mechanisms in areas such as racial discrimination, the restriction on the freedom of religion and belief, human trafficking (Uzbekistan); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6	Supported	A24 Cooperation with special procedures D42 Freedom of thought, conscience and religion B32 Racial discrimination D27 Prohibition of slavery, trafficking D25 Prohibition of torture and cruel, inhuman or degrading treatment <b>Affected persons:</b> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	The ROK has extended a standing invitation to all thematic special procedures. The Special Procedures with visits to the ROK for investigation which have been conducted since 2013 are listed below, and the NHRCK has been actively cooperating with Special Rapporteurs for their visits to and activities in the ROK, including the meetings with the Chairperson and working-level personnel of the NHRCK.  a) Special Rapporteur on the situation of human rights defenders (May 2013)  b) Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (September 2014)  c) Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (October 2015)  d) Special Rapporteur on the rights to freedom of peaceful assembly and of association (January 2016)  e) Working Group on the issue of human rights and transnational corporations and other business enterprises (May 2016)
<b>Theme: A3 Inter-State cooperation &amp; development assistance</b>			
124.70. Continue strengthening the mechanisms to promote international cooperation with a focus on the promotion and protection of human rights, as fundamental principles of the official development assistance (Paraguay). <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 42	Supported	A3 Inter-State cooperation & development assistance <b>Affected persons:</b> - general	Every year, the NHRCK, in cooperation with the Korea International Cooperation Agency, provides support to human rights work in developing countries and, in an effort to increase cooperation with those countries, invites civil servants of the countries to Korea for education and training.

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<b><i>Theme: A41 Constitutional and legislative framework</i></b>			
<p>124.56. Review regularly the application of the National Security Act, to ensure its consistency with human rights principles (Australia); Specify modalities for the implementation of the National Security Law so that this law cannot be used against freedoms of expression, association and peaceful assembly (France);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 31</p>	Noted	<p>A41 Constitutional and legislative framework  D43 Freedom of opinion and expression  D45 Freedom of association  A42 Institutions &amp; policies - General  D44 Right to peaceful assembly  A12 Acceptance of international norms  <b>Affected persons:</b>  - general</p>	<p>In August 2004, the NHRCK recommended the Government to abolish the National Security Act and has consistently pointed out, including in its recommendations for the 2nd (2012-2016) and the 3rd (2017-2021) NAP, that the Government needs to take actions to ensure that the Act is not abused and the provision of Article 7 of the Act is improved.</p> <p>Moreover, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association who paid a visit to the ROK in January 2015 recommended that Article 7 of the National Security Act should be abrogated (Para 93. Other Recommendations, (a)).</p> <p>However, the Government has not shown any significant change in its position about the possibility of relevant legal and institutional improvements, including the abolition of the National Security Act and the amendment to Article 7 of the Act.</p>
<b><i>Theme: A42 Institutions &amp; policies - General</i></b>			
<p>124.44. Give consideration to the implementation of measures and programmes to provide assistance to landmine victims such as psycho-social, medical and financial support (Thailand);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 24</p>	Noted	<p>A42 Institutions &amp; policies - General  A12 Acceptance of international norms  B53 Support to victims and witnesses  <b>Affected persons:</b>  - general  - persons affected by armed conflict</p>	<p>According to a 2011 survey of the Gangwon Province area (Census on Civilian Landmine Victims in Gangwon Province) conducted by the Peace Sharing Association, which is the Korean branch of the International Campaign to Ban Landmines, it was revealed that, since the end of the Korean war, 228 civilians lost their life or were injured due to the landmines washed away or shallowly buried under the ground. In October 2014, the Special Act concerning the Support for Landmine Victims came into force to provide compensation for those landmine victims.</p> <p>However, according to the current status on the consolation payments made to civilian landmine victims, which was released by the Ministry of National Defence, as in January 2017, out of 397 persons who have applied for consolation payment since the Special Act took effect, only 46 applicants (12%) have received consolation payments. It is pointed out</p>



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			that some victims have not applied for compensation because of the lack of knowledge about the Special Act and that the amounts of compensation which depend on the victims' time of death may raise an equitability issue <sup>3</sup> .
<b>Theme: A45 National Human Rights Institution (NHRI)</b>			
124.14. Strengthen the national human rights institution and strengthen its independence (Spain); Continue its efforts to provide the National Human Rights Commission with more independence and resources (Tunisia); Take steps to ensure that bodies entrusted with overseeing the protection of rights, such as the National Human Rights Commission, are fully mandated and resourced (Australia); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 15	Noted	A45 National Human Rights Institution (NHRI) <b>Affected persons:</b> - general	The "NHRCK Act" was revised in February 2016 to set up specific qualifications for Commission members in order to guarantee diversity in the makeup of Commission members and transparency in the procedures of selecting Commission members; to ensure that a wide range of social groups participate in the process of selecting Commission members; and to insert new provisions on Commission members' immunities from liability to what they said in relation to their work. However, it is necessary that the NHRCK should be promoted to a constitutional agency when the Constitution is amended, in order to further increase the NHRCK's independence.
<b>Theme: A47 Good governance</b>			
124.46. Continue its endeavours in fostering the rule of law and social cohesion (Viet Nam); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6	Supported	A47 Good governance <b>Affected persons:</b> - general	N/A
<b>Theme: A61 Cooperation with civil society</b>			
124.15. Establish a channel for the National Human Rights Commission and civil society organizations to participate in the work of the National Human Rights Policy Council on the implementation of recommendations from the Universal Periodic	Noted	A61 Cooperation with civil society A45 National Human Rights Institution (NHRI) A27 Follow-up to Universal Periodic Review (UPR) <b>Affected persons:</b> - general	In December 2013, the Government revised the 2nd NAP which was established in March 2012, by reflecting the 2nd UPR recommendations. However, in general, it is not easy for civil society to participate in the processes of reviewing the implementation progress of the UPR recommendations or the

<sup>3</sup> According to the office of Rep. Ju-min Park, as the amount of consolation payment for a landmine victim is based on the monthly average wage at the time of the victim's death, the total amount of consolation payment for the victims who died or got injured in the 1970s when the wage level was generally very low is no more than several hundreds of thousands of Korean won, which many of the victims or surviving families refuse to accept. By contrast, the compensation for the victims who died or suffered injuries in recent years amounts to hundreds of millions of won. The consequence is that the largest compensation is as much as 512 times larger than the smallest one, just because of the difference in the time of accident (Reason for the proposal of the revision bill; November 21, 2016).

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<p>Review and treaty bodies (Bulgaria); Incorporate the results of the UPR into its current National Action Plan on Human Rights, taking into account the proposals of the civil society and present a mid-term evaluation report to the Council on the implementation of the recommendations of this UPR (Hungary);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 16</p>			<p>NAP, except in public hearings or debates, and the civil society's role, if any, in the processes is only limited.</p> <p>In particular, in assessing the implementation status of the recommendations from treaty organizations and the UPR process, a one-off session for opinion collection, instead of a permanent monitoring system, is used. In this light, in order to promote substantial cooperation with the NHRCK and civil society organizations, the Government needs to make institutional improvements including the establishment of a permanent and periodic channel guaranteeing their participation in the monitoring process of the UPR recommendations and the NAP.</p>
<b>Theme: B31 Equality &amp; non-discrimination</b>			
<p>124.23. Continue its ongoing efforts to arrive at a national consensus on a general act on anti-discrimination (Indonesia); Strengthen efforts and take measures towards adoption of the law to fight discrimination (Palestine); Accelerate efforts to adopt an Anti-Discrimination Law (Chile); Step up efforts to adopt a comprehensive Anti-Discrimination Bill in line with the relevant international human rights instruments (Slovenia); Adopt an anti-discrimination law to replace the law that was suspended in May 2008 (Chad); Ensure the passage of the Anti-Discrimination Act (India); Adopt a comprehensive and broad-based anti-discrimination law (Australia);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19</p>	Supported	<p>B31 Equality &amp; non-discrimination A41 Constitutional and legislative framework <b>Affected persons:</b> - general</p>	<p>After the NHRCK recommended the Government to adopt the Anti-Discrimination Act on 24 July 2006, the Government had sought to enact the law but the Government-drafted bill was discarded upon the end of the 17th National Assembly's four year term in 2008. Current administration has proceeded with the enactment of the Anti-Discrimination Act, as one of its priorities for national administration, but no government bill has been worked out yet. In response, the NHRCK reiterated its recommendation for the adoption of a comprehensive Anti-Discrimination Act when it submitted the recommendations for the 3rd NAP (2017-2021). However, no significant development has been made yet.</p>
<p>124.24. Adopt the Anti-discrimination Act as a matter of priority while encompassing also grounds for discrimination on the basis of sexual orientation (Czech Republic); Include in the Anti-discrimination Law a specific prohibition on discrimination on the basis of sexual orientation (Spain);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 21</p>	Noted	<p>B31 Equality &amp; non-discrimination A41 Constitutional and legislative framework <b>Affected persons:</b> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	<p>The Human Rights Committee (CCPR) expressed its concerns and recommendations, as seen below, in its Concluding Observations published in November 2015 after the consideration of the Fourth State Report by the ROK:</p> <p>a) While noting the existence of a number of individual laws prohibiting specific forms of discrimination, the Committee is concerned that comprehensive anti-discrimination legislation is lacking. It is particularly concerned about the</p>

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			<p>current lack of legislation defining and prohibiting racial discrimination and discrimination on the grounds of sexual orientation or gender identity. (Para. 12)</p> <p>b) The State Party should adopt comprehensive anti-discrimination legislation, explicitly addressing all spheres of life and defining and prohibiting discrimination on any ground, including race, sexual orientation and gender identity. The legislation should impose appropriate penalties for direct and indirect discrimination committed by both public and private entities, and should provide for effective remedies. (Para. 13)</p> <p>Moreover, considering that, in the CESCR's General Comment 20 (Para. 32), sexual orientation and gender identity are both the discrimination grounds which are explicitly forbidden in the ICESCR, sexual orientation and gender identify should be enumerated as two of the prohibited discrimination grounds in the comprehensive Anti-Discrimination Act, to ensure the legislation's compliance with the international standards.</p>
<p>124.22. Take continuous measures for the protection of the rights of women and other marginalized groups (Nepal); Intensify the efforts aimed at fighting all forms of discrimination, especially by strengthening the national legislative framework (Algeria);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19</p>	Supported	<p>B31 Equality &amp; non-discrimination  A42 Institutions &amp; policies - General  B32 Racial discrimination  A41 Constitutional and legislative framework  F12 Discrimination against women</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- women</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> <li>- vulnerable persons/groups</li> </ul>	<p>Although some progress has been made in the legislation and institutions concerning violence against women, including domestic violence, sexual violence, sex trafficking and sexual harassment, there still exist some limitations in safeguarding human rights of the victims. Moreover, it has been pointed out that the legal and institutional framework is not well-established to prevent dating violence and stalking and protect victims of dating violence and stalking.</p> <p>As single-parent families and single mothers experience various forms of discrimination and social and economic exclusion, due to the social bias against them, it is necessary to take policy responses to address this problem.</p> <p>With regard to the need to reinforce the legal system to eliminate all forms of discrimination against women, see</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>124.34. Review the possibility of repealing laws that criminalize on the basis of sexual orientation within the military (United States of America);  <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 22</p>	Noted	<p>B31 Equality &amp; non-discrimination  D46 Right to private life, privacy  A41 Constitutional and legislative framework  <b>Affected persons:</b>  - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	<p>Recommendation 124.23 above.</p> <p>Article 92-6 of the Military Criminal Act provides that any military or paramilitary person who commits anal intercourse or other disgraceful conduct shall be punished by imprisonment with labour for up to two years.</p> <p>In December 2010, the NHRCK submitted its written opinion that this provision infringes upon homosexual soldiers' right to equality, right to self-determination, personal liberty and freedom of privacy and is also in violation of the principle of legality, to the Constitutional Court which was then reviewing this provision for its possible unconstitutionality.<sup>4</sup></p> <p>In addition, the NHRCK called for the repeal of the provision of Article 92-6 of the Military Criminal Act, not only in its recommendations for the 2nd NAP (2012-2016) but also in its recommendations for the 3rd NAP (2017-2021), but no significant development has been made in the Government's position.</p>
<p>124.33. Study the possibility of intensifying measures aiming at eliminating all discriminatory treatment on the basis of sexual orientation or gender identity (Argentina);  <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19</p>	Supported	<p>B31 Equality &amp; non-discrimination  D46 Right to private life, privacy  A42 Institutions &amp; policies - General  A41 Constitutional and legislative framework  <b>Affected persons:</b>  - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)  - women</p>	<p>According to a survey about hate speeches conducted by the NHRCK in 2016, it was revealed that sexual minorities feel highly fearful of people's hate speeches against themselves on account of their sexual orientation or identify. Given that this hate may escalate into serious human rights infringements and discrimination against them, the Government should take policy actions, including the legislation of the general anti-discrimination act as mentioned in Recommendation 124.23 above.</p>
<p>124.21. Work towards passing legislation that provides ethnic minorities and vulnerable groups, including women and persons with disabilities, protection from discrimination and legal recourse for</p>	Supported	<p>B31 Equality &amp; non-discrimination  F41 Persons with disabilities: definition, general principles  B32 Racial discrimination  B51 Right to an effective remedy  A41 Constitutional and legislative framework  G1 Members of minorities</p>	<p>See Recommendation 23 above</p>

<sup>4</sup> NHRCK, "Decision about the Constitutional Court's adjudication on the unconstitutionality of Article 92 of the Military Criminal Act", 8 December 2010. Despite this written opinion of the NHRCK, the Constitutional Court declared, in its ruling of March 31, 2011, that the said provision is constitutional.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
victims of discrimination (Canada); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19		F12 Discrimination against women <b>Affected persons:</b> - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups - persons with disabilities - vulnerable persons/groups	
<b>Theme: B32 Racial discrimination</b>			
124.30. Continue implementing measures to combat and prevent racism, racial discrimination and xenophobia, and to guarantee equality of opportunities (Cuba); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19	Supported	B32 Racial discrimination A42 Institutions & policies - General <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	<p>Since the murder of a woman which happened near the Gangnam subway station in Seoul in May 2016, hate issues, including hate speeches against women, have gained a growing attention as a serious social problem. In response, the NHRCK carried out the ‘Survey on Current Situations of Hate Speech and the Ways to Improve the Situations’ in 2016, while the National Assembly made legislative efforts to address the hate speech issue, including the actions to introduce the Anti-Discrimination Act which, however, has yet to be adopted. At present, the Act on the Prohibition of Discrimination Against Persons With Disabilities, Remedy Against Infringement of Their Rights is the only law in force in Korea that regulates hate speech (Article 32 Prevention of harassment).</p> <p>The Government’s policy measures to deal with hate speech are not sufficient. According to the aforementioned survey conducted by the NHRCK with regard to hate speech, all of the respondents (about 1,000 persons) who are women, sexual minorities, persons with disabilities or migrants were fearful of hate speech and felt threatened by relevant crimes, and some of them even hid their identity in fear of their exposure to hate speech and relevant crimes. More than half of the respondents said that they did not know how to react any hate speech made online or offline against themselves.</p>
<b>Theme: D1 Civil &amp; political rights - general measures of implementation</b>			
124.58. Abolish the “Security Surveillance Law”, which restricts freedoms of former political prisoners and prisoners of conscience (Democratic People’s ROK);	Noted	D1 Civil & political rights - general measures of implementation A41 Constitutional and legislative framework <b>Affected persons:</b> - general - persons deprived of their liberty	N/A

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Source of position: A/HRC/22/10/Add.1 - Para. 32			
<b>Theme: D23 Death penalty</b>			
<p>124.35. Consider ratifying ICCPR-OP2, aiming at the abolition of the death penalty (Rwanda); Ratify ICCPR-OP2, aiming at the abolition of the death penalty (Switzerland); Consider ratifying the ICCPR-OP2, aiming at the abolition of the death penalty (Slovenia); Modify the penal provisions that provide for the application of the death penalty with a view to a total prohibition and ratify ICCPR-OP2, aiming at the abolition of the death penalty (Uruguay); Consider the possible establishment of an official moratorium on the death penalty, since it is not applied since 1997 (Chile); Convert the present de facto moratorium on executions into a formal moratorium (Germany); Take concrete measures in order to transform the de facto moratorium on the death penalty into a de jure moratorium on execution and sentencing (Switzerland); Introduce a moratorium on all executions and introduce legislation to abolish the death penalty (United Kingdom); Maintain effectively the de facto moratorium on the death penalty (Belgium); Respect international minimum standards on the death penalty, if the ROK will maintain it (Belgium); Consider the abolition of the death penalty (Honduras); Consider the possibility of the abolition of the death penalty by the law (Uzbekistan); Take into consideration the possibility of abolishing the death penalty (Italy); Take steps towards the abolition of the death penalty (Norway); Take steps towards the abolition of the death penalty, while commuting the existing sentences to life imprisonment terms (Slovakia); Complete the legislative process in order to abolish capital punishment, which as a matter of fact, has been suspended for more than a decade (Turkey); Take all necessary measures in order to abolish de jure the death penalty (France); Abolish definitively the death</p>	Noted	<p>D23 Death penalty A41 Constitutional and legislative framework A12 Acceptance of international norms <b>Affected persons:</b> - general</p>	<p>The NHRCK recommended, in its recommendations for the 3rd NAP (2017-2021), that the Government should accede to the 2nd OP-ICCPR, abolish the death penalty system, introduce an alternative penalty to replace death penalty and continue to refrain from executing death penalty. The NHRCK is hopeful that the relevant themes will be explicitly incorporated in the 3rd NAP which the Government is now working on.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
penalty (Spain); Abolish the death penalty and ratify ICCPR-OP 2 (Australia); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 18			
<b><i>Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment</i></b>			
124.13. Include in the Penal Code the crime of torture, in line with article 1 of CAT (Mexico); rapidly complete the process of harmonizing national legislation with CAT with respect to the definition of torture (Tunisia); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 14	Noted	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework <b>Affected persons:</b> - general - persons deprived of their liberty	<p>The specific definition of torture is not prescribed under any relevant laws such as the Criminal Code; however, there exist legal provisions which ban torture. Article 12 Paragraph 2 of the Constitution stipulates that torture shall be prohibited while Article 309 of the Criminal Procedure Act cites confession made by torture as one of the examples which shall not be taken as evidence of guilt.</p> <p>However, it seems controvertible that “torture” prescribed in the provisions above makes clear equivalent of what is defined in CAT. In particular, those provisions seem unclear if they include mental pain or suffering as part of torture as does in CAT.</p> <p>Relevant laws such as the Criminal Code might as well carry a clear definition of torture which matches that of the Convention, paying special attention to criminalization of the mental form of torture.</p> <p>A document submitted by the Ministry of Justice to the National Assembly in 2015 shows that the number of people under prosecutors’ investigation who had committed suicide from 2005 to 2014 totals 90. It is also noted that there is not even a survey to record how many testifiers or suspects take their own lives during police investigation even though they do from time to time.</p> <p>The Supreme Prosecutors’ Office distributes the “Guideline for Investigating Suspects” to prosecutors’ offices in 2005, which orders to prevent extreme actions by carefully protecting human rights of suspects; this guideline, however, only ignited criticism that it shows nothing but a theoretical principle. The NHRCK paid attention to the fact that a series of suicide by those under investigation led to neither analysis</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			of fundamental cause nor prevention measures; thus, it delivered its opinion to Prosecutor General in September 2016, stressing the needs to determine the cause of suicide attempts and prepare measures to address the issue. The prosecution has accepted the opinion and agreed to ponder on the measures in detail.
124.37. Further strengthen measures against torture and ill-treatment (Czech Republic); Investigate all allegations of torture by the police and prosecute the perpetrators (Belarus); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 23	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A42 Institutions & policies - General B51 Right to an effective remedy <b>Affected persons:</b> - general	See Recommendation 124.13 above
124.38. Consider establishing the total prohibition of corporal punishment (Palestine); Carry out public awareness campaigns on the negative consequences of the ill-treatment of children to promote positive and non-violent forms of discipline in schools and at home as alternative measures to these punishments (Uruguay); Expressly prohibit corporal punishment in all settings (Hungary); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 23	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment F31 Children: definition; general principles; protection A54 Awareness raising and dissemination <b>Affected persons:</b> - children	<p><b>Corporal punishment at school</b></p> <p>With the revision of the Enforcement Ordinance to the Elementary and Secondary Education Act on 18 March 18 2011, direct corporal punishment at school has been forbidden. In response, many local governments have adopted the human rights for students ordinances which prohibit direct corporal punishment at school. However, indirect corporal punishment is still allowed and, what is worse, is feared to increase as direct corporal punishment is forbidden.</p> <p>At ordinary schools, leapfrogging, a face down position with the support of one's feet and hands only, running rounds and standing long at the back of the classroom are used for indirect corporal punishment, and it was reported that, even in some cases, students were forced to beat each other in a form of indirect corporal punishment.</p> <p>Indirect corporal punishment is as highly likely to violate students' human rights as direct corporal punishment, in that it may infringe on a student's personal liberty because it causes physical pain, make the student feel humiliated, and violate his/her general right to freedom of conduct and freedom of conscience particularly because the pain-givers are students themselves.</p> <p>Article 16 (1) of CAT prohibits 'other acts of cruel, inhuman</p>



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>or degrading treatment or punishment which do not amount to torture', and indirect corporal punishment at school may fall under these forbidden acts. Furthermore, acts of degrading treatment which are based on race, physical appearance and family conditions may violate this prohibition, even when such acts do not cause any physical or mental pain.</p> <p>It is necessary that a ban should be imposed on indirect corporal punishment, in proportion to the ban given to direct corporal punishment; or indirect corporal punishment should be restricted to the extent that the consequent pain may be minimized as possible. In addition, any form of punishment or act which makes a young student feel humiliated should be prohibited, and monitoring should be reinforced to protect children from these types of indirect corporal punishment.</p>
<b>Theme: D27 Prohibition of slavery, trafficking</b>			
<p>124.43. Consider stepping up its efforts towards ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) (Philippines); Ratify the Palermo Protocol (Brazil); Ratify the Palermo Protocol (The Netherlands); Ratify the Palermo Protocol (United Kingdom of Great Britain and Northern Ireland); Take comprehensive measures in combatting trafficking in persons including by the accession to the Palermo Protocol and by extending an invitation to the Special Rapporteur on trafficking in persons, especially women and children (Belarus); Take more proactive measures to identify and look after victims of human sex trafficking, especially by ratifying the Palermo Protocol (Belgium);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 23</p>	Supported	<p>D27 Prohibition of slavery, trafficking  F13 Violence against women  F33 Children: protection against exploitation  A12 Acceptance of international norms  <b>Affected persons:</b>  - general  - children  - women</p>	<p>The NHRCK welcomes the ROK's accession to the Palermo Protocol.</p> <p>With regard to the issues concerning trafficking of female migrant workers, see Recommendation 124.67 below.</p>
<p>124.42. Step up its efforts to address the issue of trafficking of women and children (Malaysia); Strengthen the cooperation both at national and international levels in fighting against human</p>	Supported	<p>D27 Prohibition of slavery, trafficking  F13 Violence against women  F33 Children: protection against exploitation  A3 Inter-State cooperation &amp; development assistance  <b>Affected persons:</b></p>	See Recommendation 124.43 above

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>trafficking equally for the purposes of sexual exploitation and forced labour (Republic of Moldova);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 23</p>		<p>- children - women</p>	
<b><i>Theme: D31 Liberty and security – general</i></b>			
<p>124.55. Release all persons including pro-reunification patriots who were unjustly arrested and imprisoned according to the “National Security Law” (Democratic People’s ROK);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 31</p>	Noted	<p>D31 Liberty and security - general D43 Freedom of opinion and expression <b>Affected persons:</b> - persons deprived of their liberty</p>	See Recommendation 124.56 above
<p>124.36. Consider establishing mechanisms preventing security forces from using force in an excessive or unjustified manner, especially against peaceful protesters (Poland);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 27</p>	Noted	<p>D31 Liberty and security - general D44 Right to peaceful assembly D25 Prohibition of torture and cruel, inhuman or degrading treatment <b>Affected persons:</b> - general</p>	<p>In January 2016, the NHRCK determined that the police violated the freedom of expression when they regarded, as an unlawful assembly, the press conference held in front of the premise of the Constitutional Court by those who were opposed to the Court’s decision on the disorganization of a political party and kept them from proceeding with the press conference. Then, the NHRCK recommended the chief of the competent local police agency to take actions to prevent recurrence of similar cases and to educate police officers, and the local police agency accepted this recommendation.</p> <p>By contrast, when the NHRCK, after judging that the total ban on any assembly to be held at a particular area close to the Presidential Blue House is a violation of the freedom of assembly, recommended the head of the competent police office to be more cautious in interpreting and applying the requirements for a ban on assembly under the Assembly and Demonstration Act and to take a softer approach first instead of a total ban, the police office did not accept this recommendation. However, with regard to the assemblies which have taken place since October 2016, while the police still forbid any assembly or demonstration to be held near the Presidential residence, the court accepted the assembly organizers’ repeated demands for an injunction on the police’s ban, partly allowing the assemblies and demonstrations to be held at any place.</p> <p>In August 2016, the NHRCK demanded that the police should</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>ensure safety in using water spray trucks to control assemblies and demonstrations and also asked the police to refrain from using them until their safety is confirmed. In December 2016, the NHRCK expressed its view, to the National Assembly Speaker, that the National Assembly is advised to make amendments to the Act on the Performance of Duties by Police Officers so that straight shots of water from a water spray truck may not be used towards people, hazardous substances may not be included in the water and the police is obliged to perform a duty of care, particularly in relation to older people. However, these amendments have not been made yet.</p> <p>In relation to the recent large-scale assemblies and demonstrations which have been held for and against impeachment of the former President Park Geun-hye every week downtown in Seoul, a positive evaluation is being made about the police's efforts to maintain order and, at the same time, guarantee freedom of assembly.</p>
<b>Theme: D4 Fundamental freedoms</b>			
<p>124.57. Define more clearly the regulations of the National Security Law (Germany); Consider amending the National Security Law to prevent arbitrary application and abusive interpretation of the law (Norway); Amend the National Security Law to guarantee that its application respects fully the freedom of expression (Spain); Amend the National Security Law to provide clarity and prevent abusive interpretations of the law (United States of America); Abolish the criminal laws as the “National Security Law” (Democratic People’s ROK);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 31</p>	Noted	<p>D4 Fundamental freedoms D43 Freedom of opinion and expression A41 Constitutional and legislative framework <b>Affected persons:</b> - general - persons deprived of their liberty</p>	See Recommendation 124.56 above
<b>Theme: D42 Freedom of thought, conscience and religion</b>			
<p>124.53. With regard to conscientious objection, adapt existing national legislation so that alternative services to military service effectively have a civil nature and that they are placed under the monitoring</p>	Noted	<p>D42 Freedom of thought, conscience and religion A42 Institutions &amp; policies - General A41 Constitutional and legislative framework <b>Affected persons:</b> - general</p>	<p>As in February 2017, the national legislation of the ROK still does not permit conscientious objection to military service. Article 88 (1) of the Military Service Act provides that a person who refuses to enlist in the military or participate in</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>of civil authorities (France); Abolish imprisonment and establish a non-military service for conscientious objectors (Germany); Ensure that the right to conscientious objection to military service is observed (Poland); Recognize the right to conscientious objection to military service and introduce alternative service in line with international standards (Slovakia); Recognize conscientious objection as a right, guaranteeing an alternative community service to the military service of a truly civilian character, and free all conscientious objectors currently imprisoned (Spain); Immediately introduce an alternative military service option for conscientious objectors, ensuring it has a non-combatant or civilian character and is not of a punitive nature (United States of America); Introduce alternative service for conscientious objectors (Australia);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 30</p>		<p>- persons deprived of their liberty</p>	<p>military training on the ground of his individual faith shall be punished by imprisonment with labor. In this regard, the Ministry of National Defense reasons that "under the mandatory military service system, the state is justified to use a strong sanction against any person who refuses to comply with the duty of military service, in order to ensure effectiveness in enforcing the duty of military service and realize the justice for military service, that is, fair and equitable enlistment".</p> <p>According to the Analytical Report on Conscientious Objection to Military Service released by the UN Human Rights Council in June 2013, the number of conscientious objectors to military service who were detained in prisons throughout the world in 2012 totaled 723 persons, of whom 669 (about 92.5%) were Korean.</p> <p>In 2015, CCPR, in its Concluding Observations on the fourth periodic report of the ROK (CCPR/C/KOR/CO/4), expressed concerns about the reality that no alternative service programs have been in place for conscientious objectors to military service and, consequently, the conscientious objectors are subject to criminal penalties, recommending that the Government should legalize conscientious objection to military service.</p> <p>On 28 November 2016, the NHRCK submitted its written opinion, to the Constitutional Court, that the right to object military service for a conscientious reason should be protected as part of freedom of conscience which is recognized in both the Constitution of Korea and the international human rights instruments and that criminal punishment of conscientious objectors to military service for violating the Military Service Act infringes on freedom of conscience, now that it is possible to adopt a desirable solution of offering conscientious objectors an alternative service program and an opportunity to fulfill their duty of national defense. As in February 2017, this written opinion is being reviewed by the Constitutional Court. For information,</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>the Constitutional Court ruled that the provision for the criminal punishment of conscientious objectors to military service in the Military Service Act was constitutional, both in 2004 and 2011.</p> <p>In the meantime, the trial courts (district courts) of the ROK have found not guilty a total of 14 conscientious objectors to military service until January 2017, while a court of appeals (high court) issued a not-guilty ruling to a conscientious objector to military service for the first time in October 2016. As for a conscientious objector to military service who refused to participate in reserve forces training in January 2017, a trial court found him not guilty. However, the Supreme Court remains unchanged since it ruled in 2004 that conscientious objection to military service may not constitute a justifiable reason for refusing to enlist in the military.</p>
<b>Theme: D43 Freedom of opinion and expression</b>			
<p>124.50. Take further actions to ensure freedom of expression on the Internet, including opinions which are different from the positions of the Government (Japan); Ensure full implementation of international human rights obligations regarding freedom of expression (Poland); Ensure that laws on freedom of expression and freedom of the press are applied in conformity with international standards (Switzerland);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 26</p>	Supported	<p>D43 Freedom of opinion and expression A12 Acceptance of international norms</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- media</li> </ul>	<p><i>The Report on the Right to Information</i> (2013) of the NHRCK highlights that excessive regulation on information distribution on the Internet may result in the contraction of freedom of online expression.</p> <p>As was observed by the NHRCK in its recommendations for the 3rd NAP of July 2016, the Government needs to review how to improve the relevant legislation and institutions concerning the Internet real name system, the regulation on contents and the abuse of cyber defamation charges, for the purpose of promoting freedom of expression on the Internet.</p> <p>Meanwhile, considering that, in 2015, the CCPR expressed concerns about a growing number of criminal charges filed by the Government or businesses against civilians in the ROK and emphasized the need to establish a culture of tolerance to criticism, the Government needs to take actions to improve social awareness about this issue.</p> <p>Furthermore, policy actions should be taken to ensure that public broadcasting agencies are free from the Government's</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			influence while private broadcasting companies exercise their editing power, independently of the influence from their owners or large advertisers and the pressure of excessive commercialization.
124.51. Adopt specific legislation to guarantee the exercise of the rights to freedom of opinion and expression (South Africa); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 28	Noted	D43 Freedom of opinion and expression A41 Constitutional and legislative framework <b>Affected persons:</b> - general	See Recommendation 124.36 above
124.52. Transfer the functions of the Korean Communications Standards Commission to an independent commission (Switzerland); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 28	Noted	D43 Freedom of opinion and expression A42 Institutions & policies - General <b>Affected persons:</b> - general - media	N/A
124.54. Provide training to law enforcement officers on proper enforcement of the National Security Law to avoid investigations, detentions, and charges that restrict freedom of expression and result in a climate of self-censors hip (United States of America); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 26	Supported	D43 Freedom of opinion and expression B51 Right to an effective remedy A53 Professional training in human rights D26 Conditions of detention <b>Affected persons:</b> - general - persons deprived of their liberty - law enforcement / police officials	See Recommendation 124.56 above
<b>Theme: D51 Administration of justice &amp; fair trial</b>			
124.45. Adopt child friendly procedural rules in the justice system (Hungary); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6	Supported	D51 Administration of justice & fair trial F34 Children: Juvenile justice <b>Affected persons:</b> - children	On 19 May 2016, the NHRCK recommended that the Government should amend Article 16 of the Act on Special Cases concerning the Punishment of Child Abuse Crimes so that the revised provision requires the appointment of public defenders in the criminal proceedings for child abuse crimes in order to provide effective support to the children victims. However, the Ministry of Justice refused to accept this recommendation, on the ground that the responsible prosecutors already review the need to appoint a public defender in a particular case; a public defender may be appointed by authority, whenever necessary; and the obligation to appoint a public defender might infringe on the rights of the child victim concerned in case the appointment is against the child's own will, and might result in a waste of time and resources in case no legal aid is needed.  In this regard, the 2016 Human Rights Report of the Korean Bar Association proposed that the appointment of public

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>defenders for child abuse victims should become mandatory, as given below:</p> <p>“The provision on the selection/appointment of a defending lawyer under the Act on Special Cases concerning the Punishment of Sexual Violence Crimes applies mutatis mutandis to the Act on the Punishment of Child Abuse Crimes. That is, in case a child victim has no defending lawyer, the prosecutor may appoint a public defender for the child, by his/her authority or upon the application of the victim or the victim's legal representative. However, in practice, a high proportion of child abuse crimes are committed by the victims' real parents and many of the legal representatives who are not the child abuse perpetrators do not want a lawyer's involvement and are reluctant to cooperate with a lawyer's investigation into the case. In this light, it is necessary to oblige the appointment of a public defender for the children victims under the age of thirteen years.”</p> <p>In the meantime, the Ministry of Justice has mapped out a revision bill of the Family Litigation Act. This revision bill is intended to promote the rights of minors in the course of family litigations, by adding “protection of minors' rights” as part of the overarching purpose of the Act; requiring the appointment of a minor's assistant who is present at the time of the minor's statement and assists the minor in making his/her statement, whenever necessary; and obliging a court of law to hear a minor's statement in case the trial has a direct effect on the minor's welfare.</p>
<b><i>Theme: E1 Economic, social &amp; cultural rights - general measures of implementation</i></b>			
124.60. Continue programmes and actions to promote and protect economic, social and cultural rights, in particular in the area of health, education and food (Cuba); Continue efforts to strengthen access to quality education and health services, especially for the vulnerable segments of society (Bahrain);	Supported	E1 Economic, social & cultural rights - general measures of implementation B31 Equality & non-discrimination E25 Human rights & poverty A42 Institutions & policies - General E22 Right to food E41 Right to health - General E51 Right to education - General <b>Affected persons:</b>	<b>Right to health for the disadvantaged</b>  Although the proportion of people in absolute poverty in Korea is above 8.6% (disposable income), the share of medical benefit recipients is merely 3% of total population as in 2014, according to the National Health Insurance Service's



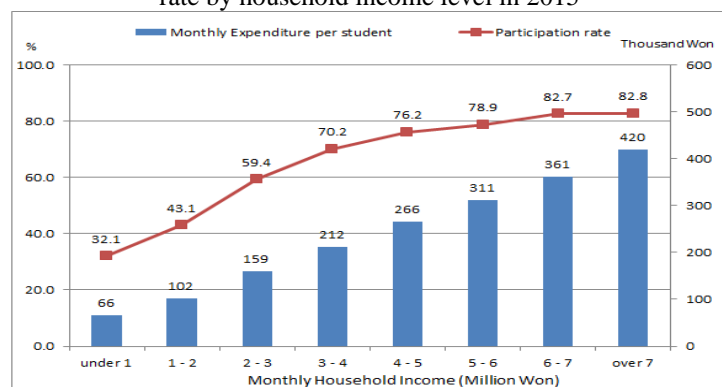
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>Source of position: A/HRC/22/10/Add.1 - Para. 35</p>		<ul style="list-style-type: none"> <li>- general</li> <li>- persons living in poverty</li> </ul>	<p>statistical data on medical benefits.</p> <p>In addition, according to the National Health Insurance Service's <i>2012 Survey on Medical Costs of Insured Patients</i>, the share of out-of-pocket payments in total medical costs was still high even in the case of medical benefit recipients: it was rated at 5.9% for the medical benefit recipients of Class 1 and 7.6% for the recipients of Class 2. In reality, this is more than they can afford to pay.</p> <p>Considering that medical security is the largest and the most-wanted welfare needs of poor people, it is urgent that the Government should take actions, in the on-going process of reforming the NBSL scheme, to increase the coverage of medical benefits and the scope of beneficiaries.</p> <p><b>Right to education for the disadvantaged</b></p> <p>Since it is customary in the ROK to discriminate people on the ground of their educational attainments and rank people based on their schools/universities, those who have graduated from better schools/universities have more chances to get better jobs. Amid the fierce academic competition, especially for admissions to better high schools and universities, there exists an enormous market for private education. This private education market is where education inequality is created between the children in high-income families who can afford to receive private education and those in low-income families who cannot afford to. This inequality leads to a vicious circle, in that the children in low-income families are later forced to work in non-regular, low-paying and low-quality jobs in this highly dualized labour market with regular and non-regular workers. Since 2011, private education participation rate decreased (from 71.7% in 2011 to 68.8% in 2015) while monthly expenditure for private education per student increased from KRW 335,000 in 2011 to KRW 355,000 in 2015. This means that a growing number of students cannot afford to receive any private education whereas the students who can afford to receive private education spend more on</p>



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>private education.</p> <p>Furthermore, monthly expenditure on private education per student was KRW 420,000 among the families with average monthly income of KRW 7 million or more, but was KRW 66,000 among the families with average monthly income of less than KRW 1 million. Private education participation rate was 82.8% in the former group, but was 32.1% in the latter group. As illustrated in the first graph, participation rate by income level rose in proportion to monthly expenditure, and, as shown in the second graph, participation rate was proportionate to rank in school.<sup>5</sup></p>
<p><b>Theme: E21 Right to an adequate standard of living – general</b></p>			
<p>124.59. Allocate sufficient funding to the poverty eradication strategy of the ROK (South Africa); Increase its efforts to expand protection and support for low-income groups to solve weakening social integration due to intensifying income polarization</p>	<p>Supported</p>	<p>E21 Right to an adequate standard of living - general                      E25 Human rights &amp; poverty                      E41 Right to health - General                      E24 Right to social security                      E23 Right to adequate housing  <b>Affected persons:</b>                      - persons living in poverty</p>	<p>According to the Household Income and Expenditure in the 4th Quarter and the Full Year of 2016 released by the Statistics Korea on February 24, 2017, monthly income among households in the 1st quintile (the bottom 20%) averaged KRW1,447,000, which was 5.6% down from the previous year; whereas monthly household income in the 5th</p>

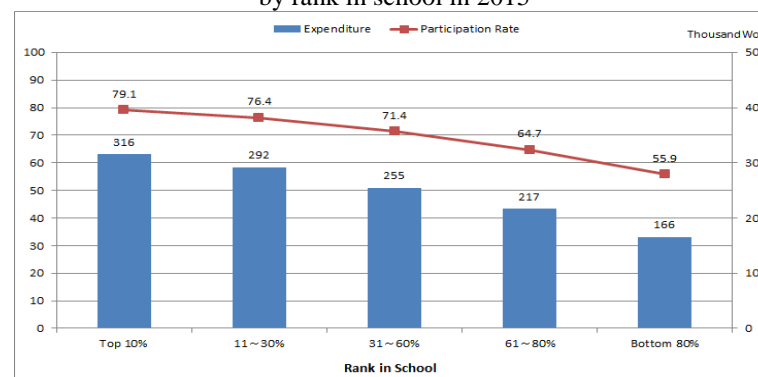
5

Monthly expenditure on private education per student and participation rate by household income level in 2015



(Source: Statistics Korea, 2015 Survey on Private Education Expenditures in Primary and Secondary School)

Monthly expenditure on private education per student and participation rate by rank in school in 2015



(Source: Statistics Korea, 2015 Survey on Private Education Expenditures in Primary and Secondary School)

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>(Iran (Islamic Republic of)); Strengthen its social security system in order to effectively guarantee the poor population the right to health care and housing so that the results of economic development will benefit the entire population (China);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 35</p>			<p>quintile (the top 20%) averaged KRW 8,348,000, which was 2.1% up from an year earlier. It is imperative to take policy actions to address this ever-growing income gap.</p>
<b>Theme: E23 Right to adequate housing</b>			
<p>124.61. Continue to implement the “Bogeumjari Housing” project which ensures solid and affordable housing to low income families by 2018 (Kuwait);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 35</p>	Supported	<p>E23 Right to adequate housing E25 Human rights &amp; poverty A42 Institutions &amp; policies - General</p> <p><b>Affected persons:</b> - general - persons living in poverty</p>	<p>The <i>Bogeumjari</i> Housing Project was initiated by the previous Administration to provide public housing for low-income families, and is not in place any longer under the current Administration.</p> <p>Instead, in 2017, with the introduction of the Happy Housing Project, 362 households began to move into the public rental houses. About 60% of the tenants are college/university students, and the remaining are new employees or newly-married couples. The Happy Housing Project is designed to relieve the burden of high house rents and improve poor residential environments, but the supply of housing is short of the demand. The Government needs to make consistent efforts to provide a sufficient supply of public rental houses.</p>
<b>Theme: E41 Right to health - General</b>			
<p>124.62. Continue to expand the framework for national health insurance coverage so as to guarantee the right to health (Kuwait);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 36</p>	Supported	<p>E41 Right to health - General E24 Right to social security</p> <p><b>Affected persons:</b> - general</p>	<p>The Government is now implementing the ‘2014-2018 Mid-term Plan to Increase Coverage of the National Health Insurance (NHI)’. The NHI fund recorded a surplus of KRW 3 trillion 196 billion over the period from January to August 2016, and recorded a running total of surplus of KRW 20 trillion 716.6 billion as in August 2016, surpassing the KRW 20 trillion mark for the first time. Nevertheless, ‘the programme to increase NHI coverage for four major serious illnesses’ and ‘the programme to provide temporary support for catastrophic medical costs of serious illnesses’ are not sufficient enough, in that the proportion of non-covered items and services and out-of-pocket payments is still high (77%) and these programmes are available only to some limited groups of people. Although the Government has recently converted some non-covered items and services to covered</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>ones, some analyse that balloon effect<sup>6</sup> is taking place.</p> <p>In particular, despite the surpluses of the NHI fund, the NHI coverage rate continued to decline from 65% in 2009 to 63.6% in 2011, 62.5% in 2012 and 62.0% in 2013, before it rose slightly to 63.2% in 2014. As in 2013, the share of medical expenditures financed by the public fund in total medical expenditures is 55.9%, which is about 18%p lower than the OECD average of 72.7%.</p>
<b>Theme: E51 Right to education - General</b>			
<p>124.63. Take appropriate measures to reconcile growing tuition fees with the level of education (Iran (Islamic Republic of));</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 37</p>	Supported	<p>E51 Right to education - General A42 Institutions &amp; policies - General</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- children</li> </ul>	<p>The Government has publicized that the goal of ‘half price tuition’ was already realized in 2005. The explanation is that, when the Government-funded national scholarship (KRW 3 trillion 600 billion), work-study scholarship (KRW 200 billion), Hope Ladder Scholarship (KRW 100 billion) and colleges' and universities' efforts to lower tuitions or expand their own scholarship program (KRW 3 trillion 100 billion) are combined, this can be seen as having the effect of reducing the tuition costs by KRW 7 trillion and only half of the total tuitions of KRW 14 trillion in 2015 were actually paid by students and their families.</p> <p>However, the 2016 Study on How to Improve the State-funded Scholarship Program of the Korean Educational Development Institute criticized that although a large budget of KRW 4 trillion was allocated for National Scholarship Types 1 and 2, smaller amounts of scholarship were provided to the students in lower-income households after the eligibility had been expanded up to the students in the 8th income decile.</p> <p>In addition, the qualifying score point (currently at least B) should be lowered. The current qualifying score point is still an unfavorable condition to the students in low-income</p>

<sup>6</sup> National Assembly Budget Office, Hospitals' introduction of new non-covered items and services (*Policy Assessment to Increase Coverage of the Health Insurance*, June 2016)

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>families who have to spend some time on economic activities, such as part-time work, and cannot fully commit themselves to academic activities.</p> <p>The classification of income deciles for scholarship eligibility is also problematic. Income deciles are based on the family income which is used for the purpose of calculating Health Insurance premiums, and the values of other properties, such as real estate, house deposit or rent and car. However, this classification method does not take household debts into consideration and, therefore, not a few students in the households with a larger amount of debt than income are placed in a high income decile, becoming disqualified to receive national scholarship.</p>
<b>Theme: F12 Discrimination against women</b>			
<p>124.25. Continue the legislative review with a view to ensuring equality between women and men in law and practice in all areas of life (Palestine); Undertake a comprehensive review of legislation with a view to ensuring de jure and de facto equality between men and women (South Africa);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19</p>	Supported	<p>F12 Discrimination against women A41 Constitutional and legislative framework <b>Affected persons:</b> - women</p>	<p>On November 20, 2013, Rep. Sang-hee Kim (Democratic Party) proposed a bill for the Act concerning the Prevention of Gender Discrimination and Sexual Harassment and the Remedy of Rights, a general law on gender discrimination and sexual harassment. The NHRCK gave a written opinion to express its agreement on the need to enact the bill (April 24, 2014), but the bill was not written into law after all, faced with the opposition from the relevant government ministries, including the Ministry of Justice and the Ministry of Employment and Labor.</p> <p>The transformation of the old Framework Act on Women's Development into the new Framework Act on Gender Equality marks some progress, but the revised law is still limited in that it does not accommodate diverse sex identities as it is simply based on the biological distinction of sex, that is, into men and women.</p>
<p>124.28. Combat discrimination against single mothers and their children (Brazil); Conduct national awareness campaigns to eradicate the discrimination against single mothers, in law and in practice (Mexico); Establish a governmental authority to</p>	Supported/ Noted	<p>F12 Discrimination against women B31 Equality &amp; non-discrimination A42 Institutions &amp; policies - General F31 Children: definition; general principles; protection A54 Awareness raising and dissemination <b>Affected persons:</b> - children</p>	<p>Since the old Act on the Support for Mother-Child and Father-Child Families was revised and renamed to the current Single-Parent Family Support Act, the coverage of the Government's support for single-parent families has been gradually expanded. When the old law was revised in 2011, the provision of Article 3 (1) – “The mother or father in a</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>support and advise single mother s and their children (Germany);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 20</p> <p><b>Comments:</b> A/HRC/22/10/Add.1, para. 20 states: Recommendation 28 enjoys the partial support of the Government. The Government accepts the recommendations to combat discrimination against single mothers and their children (Brazil) and to conduct national awareness campaigns to eradicate the discrimination against single mothers, in law and in practice (Mexico). The Government wishes to note that the Ministry of Gender Equality and Family is currently carrying out support and counseling work for single mothers and their children.</p>		- women	<p>single-parent family shall not be discriminated in education, employment, etc. due to pregnancy, childbirth or parenting without any reasonable justification” - was inserted.</p> <p>It is pointed out, however, that the Government's support for single mothers is largely focused on single mothers in their teens. In particular, single mothers who are reluctant to disclose their single-parent status or have no knowledge about the Government support programs cannot benefit from the programs.</p> <p>Moreover, considering that a civil society organization's survey reveals that most of the single mothers who previously worked for a company had to quit their job due to pregnancy, the Government needs to expand the target group of its single mother support programmes which are now focused on teen age single mothers, to include adult single mothers.</p>
<p>124.48. Continue efforts to increase employment opportunities and improve the employment situation for women and to promote women’s rights (Japan); Take effective measures against disadvantages faced by women in the labour market, including to overcome the persisting wage gap between men and women (Slovenia);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 33</p>	Supported	<p>F12 Discrimination against women E31 Right to work A42 Institutions &amp; policies - General E32 Right to just and favourable conditions of work</p> <p><b>Affected persons:</b> - women</p>	<p>Sex discrimination is serious in structural terms in the labor market. According to the Women’s Life as Mirrored in the Statistics of 2016 released by the Statistics Korea, although women's college/university enrollment rate is 74.6%, which is 7.4%p higher than men's corresponding rate, women's economic participation rate is 49.9%, which is 21.2%p lower than men's rate. Once they have entered the labor market, women are paid only 62.8% of what are paid to men. The proportion of permanent work among female workers is 43.1%, which is 9.4%p lower than the proportion for male workers. Furthermore, female wage workers' national pension subscription rate is 62.3%, which is 11.4%p lower than male wage workers' corresponding rate, because a larger share of female wage workers are in non-regular employment than their male counterparts.<sup>7</sup></p>

7

Proportion of non-regular work by gender

(Units: %; %p)

Classification	2011	2012	2013	2014	2015	2016.6.
All	34.2	33.3	32.6	32.4	32.5	32.8

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
124.26. Formulate a national strategy to promote gender equality so as to advance the status of women, combat violence and eliminate discrimination against women (China); Further ensure effective gender equality into government policies (Republic of Moldova); Take additional measures aimed at eliminating all forms of discrimination against women and at strengthening their situation and participation in all State institutions (Oman); Increase governmental efforts to ensure that women, in particular single mothers, can have access, as men do, without any discrimination, to employment, equal pay and matrimonial rights, especially following an inheritance or a divorce (Belgium); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19	Supported	F12 Discrimination against women F11 Advancement of women F13 Violence against women B31 Equality & non-discrimination D8 Rights related to marriage & family E31 Right to work A42 Institutions & policies - General E32 Right to just and favourable conditions of work E6 Rights to protection of property; financial credit <b>Affected persons:</b> - women	In the '2014 Global Gender Gap Index' published by the World Economic Forum, the ROK ranked very low in the 117th place among the 142 nations observed. Moreover, in the 'glass ceiling index' that The Economist, a British weekly magazine, worked out, based on a combination of women's representations in high-educated persons, business executive officers and lawmakers, the ROK scored 25 points on the scale of 0-100, ranking the lowest among the 29 OECD nations.  According to the statistical data that the Korea Labour & Society Institute compiled, based on the business disclosures of public organizations released by the Ministry of Strategy and Finance in 2015, women took up 28.98% of the total employees in 346 public organizations, and only 5.66% of the executive officers, including presidents (chairpersons), directors and auditors, were women.
124.27. Consider undertaking educational and awareness-raising actions promoting co-responsibility in the domestic sphere and preventing domestic violence (Poland); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19	Supported	F12 Discrimination against women F13 Violence against women D29 Domestic violence A54 Awareness raising and dissemination <b>Affected persons:</b> - general - women	A 2015 survey of the Statistics Korea revealed that women in dual-earner couples spent a daily average of 3 hours 14 minutes on housework while men in dual-earner couples spent only 40 minutes on housework, which means that women did housework almost five times longer than men.
<b>Theme: F13 Violence against women</b>			
124.49. Implement legislation criminalizing sexual harassment in the workplace, and set up mechanisms to monitor the implementation of this legislation (The Netherlands); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 34	Noted	F13 Violence against women A42 Institutions & policies - General A41 Constitutional and legislative framework E32 Right to just and favourable conditions of work <b>Affected persons:</b> - women	In 2014, the Ministry of Employment and Labour disclosed a revision bill for the Enforcement Ordinance to the Act on Equal Employment and Support for Work-Family Reconciliation, which was intended to extend the definition of small businesses that may, for cost-saving purpose, replace the mandatory employee education to prevent sexual

Men	27.8	27.2	26.5	26.6	26.5	26.4
Women	42.8	41.5	40.6	39.9	40.2	41.0
Gender gap	15.0	14.3	14.1	13.3	13.7	14.6

(Source: Statistics Korea, Supplementary Survey by Employment Status of the SEAP, August 2016)

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>harassment at workplace with the distribution or display of educational and promotional materials, from businesses with fewer than 10 permanent employees to businesses with fewer than 30 permanent employees. However, this revision bill was not adopted after all, due to the opposition from the NHRCK in September 2014.</p> <p>With the revision of the old Framework Act on Women's Development, in 2012 the Ministry of Gender Equality and Family was endowed with the power to require the head of a public organization to take a disciplinary action against a perpetrator of sexual harassment in the organization, but no case has been confirmed in which the Ministry actually called for such disciplinary action. The power alone is not effective at all. It is necessary to conduct a study to see how the power has been used effectively to prevent sexual harassment in public organizations.</p>
<p>124.40. Take all procedures to prevent all forms of violence against children and women (Iraq); Continue strengthening its capacity and its efforts to combat violence against children (Kyrgyzstan); Strengthen measures to combat violence against children (Senegal); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 23</p>	Supported	<p>F13 Violence against women A42 Institutions &amp; policies - General F32 Children: family environment and alternative care <b>Affected persons:</b> - children - women</p>	<p><b>Violence against children</b></p> <p>According to the key statistical data on ‘the Current Status of Child Abuse in 2015’ released by the National Child Protection Agency, a total of 19,209 cases of child abuse were reported in 2015 and the rate of child abuse reports increased every year.</p> <p>According to the Supreme Prosecutor’s Office (the announcement dated 12 April 2016), the number of people who were reported to have violated (the provision on child abuse of) the Criminal Act, the Child Welfare Act or the Special Act on the Punishment of Child Abuse Crime increased from 183 in 2011 to 2,691 in 2016. The number of 2,691 persons in 2015 is almost six times as large as the corresponding number (459 persons) in 2013, the time when the Special Act was not in place yet. The number of people indicted for crimes of child abuse also recorded a sharp rise: it was 49 in 2011 but increased almost by tenfold in 2015.</p> <p>However, in the ROK, either the rate of child abuse recognition (the number of children who are recognized as</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>having suffered abuse in every 1,000 children) or the reporting rate of the people with the obligation to report child abuse is not high. According to the Ministry of Health and Welfare, the rate of child abuse recognition is 1 (person), which is higher than in the previous years but still remains low, particularly compared with the rate of 9 in the United States.</p> <p>In this relation, some experts analyze that this low rate is not because there are fewer cases of child abuse in the ROK than in the United States but because child abuse cases are not properly detected and recognized, which is closely related to the low reporting rate.</p> <p>The number of child abuse reports made by those with the reporting obligation increased by almost fourfold in ten years, that is, from 1,346 in 2004 to 4,358 in 2014. However, the reporting rate (of 29%) in 2014 is very low, when compared with the rates for the same year in Australia (73%), Japan (68%) and the United States (58%). Moreover, about 10% of child abuse cases recurred every year, which points to the lack of initial actions to conduct early intervention in child abuse and prevent recurrence of child abuse.</p> <p><b>Violence against women</b></p> <p>In its recommendations for the 3rd NAP, the NHRCK has recommended that the institutional basis for punishment of the sexual violence perpetrators, protection for the victims and education for prevention has been well set up, but it has been reported that power-driven sexual harassment in the military, workplace, and college, sexual violence among students in school have constantly taken place; and new types of sexual violence in the Internet environment such as stalking and secret shooting of sexual acts and internet circulation are increasing. However the institutional basis is not enough and it is recommended to improve.</p>
124.39. Continue its efforts to prevent and combat	Supported	F13 Violence against women D29 Domestic violence	<b>Shelters for violence victims</b>



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>domestic violence (Republic of Moldova); Enhance protection against domestic violence, hiring more female police inspectors, improving shelter and rehabilitation services for victims and strengthening data protection in this regard (Hungary); Ensure that domestic violence is properly punished and victims, including those of marital rape, are properly protected (Slovakia);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 23</p>		<p>B51 Right to an effective remedy            B53 Support to victims and witnesses            D46 Right to private life, privacy</p> <p><b>Affected persons:</b>            - general            - women</p>	<p>The legal framework for the protection of domestic or sexual violence victims and the punishment of the perpetrators has been upgraded, while the efforts to prevent secondary damages in the course of investigation and damages due to exposure to media coverage have been insufficient, and there are not enough shelters for the victims of domestic violence.</p> <p><b>Need to increase the number of female police officers, and discrimination against women</b></p> <p>In order to take proper responses to violence against women, including domestic violence, it is necessary to increase the number of female police officers. In 2002, the Division of Women and Juveniles was newly set up in the national and regional police agencies and the front-line police offices and, with the revision of the ‘Act on Prevention of Domestic Violence and Protection, etc. of Victims thereof’ in 2012, the police was given the power to access the alleged sites of domestic violence for investigation purpose. However, the number of female police officers is not still enough to ensure that the new functions are effectively implemented. Accordingly, the National Police Agency needs to take active measures to hire a larger number of female police officers.</p> <p>In September 2014, the NHRCK, finding that the female quota of 12% for annual new entrants of the Korean National Police University is an excessive restriction, recommended the Commissioner of the Korean National Police Agency to increase the female quota. However, the Korean National Police Agency still limited the proportion of female entrants for the University in 2017 to 12%. The Agency has reiterated the position that, as female police officers may be placed in a limited number of functions due to the nature of police work which requires physical strength and use of force and the difference in physical capabilities between men and women, a sudden change in the proportion of female police officers will have a negative effect, not only on the operation of the police organization but also on the police's ability to keep public</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>peace and order.</p> <p>However, given that the duties of police officers go beyond the work of maintaining public peace and order and cover a diversity of functions including welfare service, physical skills is not a decisive element for police work, which is also reflected in the fact that the physical test accounts for only 5% of the total scores in the entrance examination of the Korean National Police University. According to the data released by the Korean National Police Agency, as in end-August 2016, women takes up 10.4% of the entire police officers in Korea, which is much lower than 27% in the United Kingdom and 20%, respectively in Canada and France. The <i>Police Statistical Yearbook 2014</i> showed that about 82% of female police officers who were titled as police sergeant, senior officer or constable were concentrated in lower-ranking positions, and this highlights an urgent need to make drastic changes to the Government's policy of recruiting female police officers and placing them at managerial positions.</p>
<b>Theme: F31 Children: definition; general principles; protection</b>			
<p>124.29. Improve the registration of children with a view to ensuring that the statelessness of children is prevented (South Africa); Revise the single parent family support law and introduce legislation to ensure that all children are automatically and legally registered immediately after birth, regardless of parents' legal status and origin (Norway); Facilitate the implementation of a birth registration system to allow immediate registration at birth, independently of the status or nationality of parents (France); Provide for a full system of universal birth registration including immediate registration upon birth regardless of the parent's nationality or status in the country (Ireland); Consider the possibility to introduce a system of automatic registration of children born in the country, regardless of the parents' nationality or status (Italy); Revise the</p>	Noted	<p>F31 Children: definition; general principles; protection  A41 Constitutional and legislative framework  D6 Rights related to name, identity, nationality  D8 Rights related to marriage &amp; family  D46 Right to private life, privacy  D27 Prohibition of slavery, trafficking  <b>Affected persons:</b>  - children</p>	<p>Under the national legislation of the ROK, in case neither of the parents holds Korean nationality, they cannot register their child's birth in Korea. When this child's birth is reported to the competent local office, this report is classed as 'a report for family relationship registration, not for entry into the family relationship register' and is kept in a separate file (a file for special types of reports). This documentation, however, is simply to prove 'what items are included in the report', but is not to prove 'the fact that the child was born'.</p> <p>Under these circumstances, refugees and unregistered foreigners who cannot register their child's birth at the diplomatic office of their nation within the ROK, cannot register their child's birth at all. Currently, it is not known exactly how many children of migrant families remain unregistered in the ROK. It is just estimated that there are about 20,000.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>national legislation with a view to guarantee that all persons are registered at birth, independently of their migrant condition or the nationality of their parents (Mexico); Enact measures regarding the civil registration of children at birth in order to fight the possible traffic in human beings (Romania); Carry out a legislative review so as to ensure an automatic and legal registration at birth, while guaranteeing the protection of personal data and especially the right to access such data (Switzerland); Review its birth registration system to safeguard the human rights of unwed mothers and children by (i) ensuring immediate birth registration is available to all children regardless of the parents legal status; (ii) ensuring that the birth registration accurately indicates the biological parent(s) of the child; and (iii) taking steps to prevent birth registration of children by third parties, such as adoptive parents, that could result in the occurrence of de facto adoptions in the absence of proper judicial oversight, which could also put children at risk of being trafficked (Canada);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 17</p>			<p>In the meantime, there are some cases where the parents did not register their child's birth although either of them holds Korean nationality, due to their marital conditions or for an economic reason.</p> <p>Children whose birth has not been registered for any of the aforementioned reasons may have serious health problems in their infancy or childhood as they are not entitled to essential vaccinations and medical care, and are highly likely to be exposed to the risks of child abuse or abandonment, illegal adoption and child trafficking.</p>
<p>124.18. Consider establishing a child rights sub-commission within the Korean National Human Rights Commission (Palestine);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6</p>	Supported	<p>F31 Children: definition; general principles; protection A44 Structure of the national human rights machinery <b>Affected persons:</b> - children</p>	<p>In May 2016, the Subcommittee on the Rights of Child was set up within the NHRCK</p>
<p>124.17. Take necessary actions to define the legal status for an independent child rights monitoring body and increase its efforts for human rights training relevant to child abuse and domestic violence cases (Iran (Islamic Republic of));</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6</p>	Supported	<p>F31 Children: definition; general principles; protection D31 Liberty and security - general F13 Violence against women F33 Children: protection against exploitation A44 Structure of the national human rights machinery A53 Professional training in human rights <b>Affected persons:</b> - children - women</p>	<p>Since the NHRCK was delegated by the Ministry of Health and Welfare to perform monitoring for the rights of child in 2015, the NHRCK has monitored, independently and permanently, to detect and prevent infringements on children's rights.</p>
<p>124.19. Continue giving priority and allocating adequate resources for the implementation of the national strategies for the protection and promotion of the rights of children (Malaysia); Take measures and establish appropriate mechanisms to enable the</p>	Supported	<p>F31 Children: definition; general principles; protection F41 Persons with disabilities: definition, general principles A42 Institutions &amp; policies - General A44 Structure of the national human rights machinery A63 Budget and resources (for human rights implementation) <b>Affected persons:</b></p>	<p>The Government has tried to establish a national-level mechanism to protect the rights of child, by setting up annual action plans in accordance with the longer-term Basic Plan on Child Policy. However, for now, this mechanism is mainly used to put together the specific programs and tasks that</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>development of legislation and promotion of policies for the protection of children in all areas (Oman); Continue to further its efforts to guarantee the rights of the child (Japan); Take legal measures to provide appropriate facilities and support for children, particularly children with disabilities as the most vulnerable group of children (Iran (Islamic Republic of));</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6</p>		<ul style="list-style-type: none"> <li>- children</li> <li>- persons with disabilities</li> </ul>	<p>government ministries and local governments have undertaken or are seeking to undertake, but does not serve to ensure effective cooperation and coordination among different ministries and local governments in relation to their programs.</p>
<b>Theme: F32 Children: family environment and alternative care</b>			
<p>124.47. Continue the review of its international adoption system with a view to reform relevant legislation, and to bring it fully in line with the CRC; make the consent of teenage single mothers in the process mandatory; and adopt measures for all adoptions to be subject to the approval of a central authority with a clear mandate and responsibilities for the judicial supervision and the regulation (Honduras); Establish a national adoption centre and an obligation to register right after birth (Germany);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 25</p>	Supported	<p>F32 Children: family environment and alternative care  D6 Rights related to name, identity, nationality  D8 Rights related to marriage &amp; family  D51 Administration of justice &amp; fair trial  A42 Institutions &amp; policies - General  F12 Discrimination against women  <b>Affected persons:</b>  <ul style="list-style-type: none"> <li>- children</li> <li>- women</li> </ul> </p>	<p>With the entering-into-force of the revised Act on Special Cases concerning Adoption in August 2012, the regulation on mature deliberation on child adoption was introduced and the Korea Adoption Services was set up as a foundation. In July 2013, there was another institutional improvement when the revised Civil Act required the court's permission for child adoption.</p> <p>However, as the Civil Act provides that 'a person of parental authority shall exercise, in place of the child subject to his or her parental authority, parental authority over children of such child' (Article 910), the right to give consent to adoption of a child of unmarried parents shall be exercised, not by the unmarried parents, but by their parents (that is, those who have parental authority over the unmarried parents, or the child's grandparents). Accordingly, an institutional improvement needs to be made about unmarried parents' inability to give consent to the adoption of their child.</p> <p>In addition, a Central Authority as defined in the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption is to discharge the duties which are imposed by the Convention on such authorities, and the Central Authorities shall cooperate with each other and promote cooperation amongst the competent authorities in their States to achieve the other objects of the Convention by providing the general information on adoption, while taking, directly or through public authorities, all appropriate</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Convention. These functions can be properly performed by a national authority, not by a foundation (the bill for the Act on Intercountry Adoption (of September 2016) which is now pending before the National Assembly provides that the Ministry of Health and Welfare, a national authority, shall serve as a Central Authority as defined in the Hague Convention).
<b>Theme: F33 Children: protection against exploitation</b>			
124.41. Take appropriate measures to prevent sexual violence against children and make more efforts to effectively prosecute the sexual exploitation of children (Botswana); Tighten the criminal responsibility for the crimes related to the sexual exploitation of children (Belarus); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 23	Supported	F33 Children: protection against exploitation B51 Right to an effective remedy <b>Affected persons:</b> - children	According to the survey results released by the Ministry of Gender Equality and Family on March 1, 2017, among the rapists who, after being convicted of sex crimes against children or juveniles, had their personal information made public, 32.3% were put on probation in 2015. Although this probation rate, after hitting the peak of 42.0% in 2012, has continuously declined, one in every three criminals who were convicted of rape against children or juveniles is still set free on a suspended sentence. <sup>8</sup>  The Act on the Protection of Children and Juveniles against Sexual Abuse terms the children and juveniles who are engaged in sex trafficking as ‘children and juveniles involved’, not as ‘victimized children and juveniles’. This means that these children and juveniles are subject to the same protective dispositions that the children and juveniles who have committed a serious crime are subject to under the Juvenile Act, and they are not entitled to use a public defender to protect themselves from any damage that may occur in criminal proceedings. Moreover, the protective

<sup>8</sup> According to an analysis of the court decisions that confirmed sex crimes and ordered the perpetrators' personal information to be made public in 2015, which was commissioned by the Ministry of Gender Equality and Family to the Korean Women's Development Institute, 3,366 persons were given an order of personal information disclosure after being convicted of a sex crime against children or juveniles over the year, which was a 4.1% increase from the previous year (3,234 persons), while the number of convicted rapists declined from 855 (in 2014) to 733 persons (in 2015), of which only 495 (67.5%) were put into prison and 237 (32.3%) were released on probation (the press release dated March 1, 2017 of the Ministry of Gender Equality and Family).

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>dispositions entail criminal records and investigation documentations, which tends to dissuade 'the children and juveniles involved' from reporting their damage from sex trafficking. What is worse, there are many cases where their reluctance to report sex trafficking is taken advantage of by a sex trafficking intermediary or a sex purchaser to coerce them into sex trafficking. Therefore, legal amendments should be made to address these problems.</p> <p>It is revealed that the most common channels that are used by 'the victimized children and juveniles' for sex trafficking are 'smart phone-based chatting apps (67.0%)' and 'Internet-based cafes/chatting sites (27.2%)'. Unlike in the past, a rapidly growing number of sex trafficking cases begin with online contacts. It is necessary to enact the legislation to regulate and prosecute these online contacts. Besides, it has been suggested that the counseling centers which are now in place to give advice to 'the victimized children and juveniles' of sex trafficking do not provide professional programs for these victims and, therefore, more specialized service centers which provide counseling, education, protection and support for the victims of child sex trafficking should be created.</p>
<b>Theme: F35 Children in armed conflict</b>			
<p>124.20. Take measures to ensure the full harmonization of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (South Africa);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 6</p>	Supported	<p>F35 Children in armed conflict A41 Constitutional and legislative framework</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- children</li> <li>- persons affected by armed conflict</li> </ul>	N/A
<b>Theme: F41 Persons with disabilities: definition, general principles</b>			
<p>124.12. Amend article 732 of the Commercial Law that restricts the possibility of persons with</p>	Supported	<p>F41 Persons with disabilities: definition, general principles A41 Constitutional and legislative framework F46 Persons with disabilities: protection and safety in situations</p>	<p>The Government stated in the Mid-term Report that an amendment was made to the provision on insurance of the Commercial Act. However, the amendment is no more than</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>disabilities to obtain life insurance (Costa Rica);  <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19</p>		<p>of risk  <b>Affected persons:</b>  - persons with disabilities</p>	<p>the addition of a proviso that 'However, this shall not apply when a person with diminished mental capacity contracts an insurance policy or joins a group insurance under Article 735-3 while he/she is able to make decisions' to the existing provision of Article 732, in response to the continuous controversy over the provision and the call for its revision. This amendment has not changed anything about the provision that any life insurance contract which is signed to insure persons with diminished or no mental capacities against death due to an accident shall be null and void, except that life insurance or group insurance will not be invalidated only when they are able to make decisions.</p> <p>Furthermore, it is not easy to determine or prove whether or not a person with mental disability, who is termed as a person with diminished mental capacity for the purpose of the Commercial Act, is able to make decisions. Besides, considering that almost all of the insurance policies in the market of Korea include a death benefit, persons with mental disabilities are practically ineligible to the subscription to almost all of the insurance policies in the market, or are not entitled to the death benefit even when they manage to obtain an insurance policy.</p> <p>Moreover, although the NHRCK and the Supreme Court determined that, in deciding whether or not a person with disability is qualified to obtain insurance, the insurance company should make a specific and individualized decision, instead of simply following the ordinary decision, by taking into consideration the severity and type of the person's disability, the amended provision of Article 732 of the Commercial Act is still incompatible with the determinations by the NHRCK and the Supreme Court. The amended provision simply adds the measurement of 'the ability to make decisions' but never suffices to remove the practice of excluding persons with disabilities from access to insurance benefits.</p> <p>All in all, the amended provision of Article 732 of the</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			Commercial Act is still in conflict with the Convention on the Rights of Persons with Disabilities and seems to add to the controversy over the practice of excluding persons with disabilities from access to insurance and the discrimination against them in insurance benefits, rather than eliminating these discriminative practices, by inserting the specific measurement of 'the ability to make decisions'.
<b>Theme: G4 Migrants</b>			
124.69. Deal with the issue of irregular migration sympathetically and consider further legislative protection of their fundamental human rights (Bangladesh); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 41	Noted	G4 Migrants A41 Constitutional and legislative framework <b>Affected persons:</b> - migrants	See Recommendation 124.32 and 124.66 below
124.68. Strengthen measures aimed at social protection of refugees, migrant workers and members of their families (Belarus); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 38	Supported	G4 Migrants A42 Institutions & policies - General G5 Refugees & asylum seekers E24 Right to social security <b>Affected persons:</b> - refugees & asylum seekers - migrants	See Recommendation 124.32 and 124.66 below
124.31. Continue implementing policies aimed at intensifying the combat against discrimination, especially with respect to female migrant workers (Morocco); Fight against all forms of discrimination and abuse of migrant workers, particularly women (Spain); <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19	Supported	G4 Migrants B31 Equality & non-discrimination A42 Institutions & policies - General B32 Racial discrimination F12 Discrimination against women <b>Affected persons:</b> - migrants - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups	See Recommendation 124.32 and 124.66 below
124.67. Intensify its comprehensive policies and concrete plans to guarantee the full enjoyment of rights and welfare of migrant workers, especially women, including combating human trafficking and discrimination in all forms (Viet Nam); Continue its efforts for the protection of the rights of migrant workers (Nepal); Carry out actions to protect the rights of migrants and their families (Senegal); Continue to take measures to promote and protect the rights of migrant workers (Sri Lanka); Further strengthen measures to promote and protect the rights	Supported	G4 Migrants B31 Equality & non-discrimination A42 Institutions & policies - General D27 Prohibition of slavery, trafficking F12 Discrimination against women E21 Right to an adequate standard of living - general <b>Affected persons:</b> - migrants - women	<b>E-6 Visa holders</b>  According to the 'Survey on Human Rights Situations of Immigrants on E-6 Visas' conducted by the NHRCK in 2014, the foreigners who entered Korea on E-6 visas were exposed to serious human rights infringements: 50% of them experienced violations of labour standards; 46% had their passports seized; and 23% were forced into prostitution.  In June 2016, the NHRCK made its 'recommendation on the indicators for identification and protection of the victims of



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>of all migrant workers by ensuring their appropriate welfare and standard of living (Thailand);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 38</p>			<p>human trafficking’ to the Government, suggesting 27 identification indicators which concern the acts done, the means, the purpose, etc. and 15 protection indicators including the measures concerning the police and the immigration service, all of which have been developed by the NHRCK by referring to the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the human trafficking indicators; and, at the same time, by adapting the indicators to the real situations in Korea.</p> <p>It is needed that more detailed explanations and statistical data on how the joint government inspections and crackdowns have been carried out to prevent and detect human rights violations against foreign women who have entered the ROK on E-6 visas, including their exposure to prostitution; the outcomes of the inspections and crackdowns; and the follow-up measures.</p> <p>Concerns are raised about the possibility that those who enter Korea on E-6 visas and then are exposed to prostitution against their own will may be punished as perpetrators, instead of being treated as victims of human trafficking. Please provide statistical data on the people who, after arriving in Korea on E-6 visas, were criminally booked for having committed a crime of prostitution. The Government needs to consider any remedies to ensure that such people are treated as victims of human trafficking.</p> <p><b>Migrant workers in fishing and construction industry’</b></p> <p>According to the NHRCK’s ‘Survey on Human Rights Conditions of Migrant Workers in Fishing Industry’, it was found that many migrant workers in fishing industry were forced to pay an extremely high cost of recruitment before arriving in Korea and were exposed to human rights violations, such as seizure of their identifications, like passports, by their employers or agencies, overdue wage payment and linguistic and physical violence. However, some</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>point out that migrant workers in fishing industry hardly benefit the remedies from the competent authorities when they suffer unfair treatment at workplace, such as exploitation, discrimination and overdue wage payment, because the Foreign Seafarer Scheme has been delegated to the private sector.</p> <p>The NHRCK's 'Survey on Human Rights Conditions of Foreign Workers in Construction Industry' revealed that 14.3% of foreign workers in construction did not sign a contract of employment before starting to work for their employer and the common practice of concluding an oral agreement or side agreement on the comprehensive (calculation) wage scheme at construction sites often worked against the migrant workers who were not familiar with the Korean language.</p> <p><b>Protection of female migrant workers</b></p> <p>There is a strong feminization of migration in the ROK. According to the 2016 survey about foreigners' employment (released on October 20, 2016), out of the 1,425,000 foreigners aged 15 or older staying in the ROK, 788,000 persons (55.3%) were male and 637,000 (44.7%) were female. This points to year-on-year increases of 31,000 in women (5.0%) and 21,000 in men (2.7%).</p> <p>Still, foreign workers as a whole records a low coverage of the Employment Insurance (EI) which finances unemployment benefit, maternity benefit and leave, childcare benefit and leave and vocational training subsidies, as the EI subscription is optional, not mandatory, for foreign workers in Korea.</p> <p>In the fields of work, female migrant workers are placed in more disadvantaged situations because they are not only 'migrants' but also 'women'. These dual vulnerabilities expose female migrant workers to a different dimension of discrimination and human rights violation, from the one for</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>their male counterparts. According to the 2016 Survey on Human Rights Situations of Female Migrant Workers in Manufacturing conducted by the NHRCK, out of the total foreign workers in Korea, 324,000 persons were female and 86,000 of the female migrant workers were engaged in the manufacturing sector, including textile and electronics, which is largely marked by poor working environments and low-paying jobs. However, gender-sensitive perspectives were not highlighted in the survey.</p> <p>The survey results also revealed that female foreign workers are exposed to the risks of unfair dismissal due to the restriction on the change of workplace and the reporting of change in employment, no written agreement of employment, linguistic violence, physical violence and occupational accidents, and suffer human rights violations in a range of areas, including working conditions, housing environment, right to health and right of maternity.</p>
<p>124.65. Take all measures to eliminate restrictions to the mobility of migrant workers (France);  <b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 40</p>	Noted	<p>G4 Migrants  E31 Right to work  E32 Right to just and favourable conditions of work  <b>Affected persons:</b>  - migrants</p>	<p>Although the Government states that it has made consistent efforts to prevent discrimination against and exploitation of foreign workers by refining the Employment Permit System (EPS), some observe that the latest changes made to the EPS rather have an effect of restricting the rights of migrant workers.</p> <p>For instance, the Ministry of Employment and Labour revised the ‘Guidelines on Foreign Workers’ Workplace Change’ in August 2012: before this revision, a migrant worker who wanted to change his/her workplace could obtain the list of available workplaces from the Job Centre and move to the workplace of his/her own choosing, but after the revision, the list of job-seeking migrant workers is offered to the employers who want to hire migrant workers while the list of available workplaces is not given to job-seeking migrant workers, so that migrant workers’ employment is totally dependent on the employers’ choice, which restricts migrant workers’ right to choose workplace.</p> <p>Furthermore, with the amendment of Article 13 of the Act on</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>the Employment of Foreign Workers, etc. in January 2014, migrant workers may receive the benefit of the insurance policy that their employers have contributed to in preparation for their retirement, no later than 14 days from the date of their departure from Korea, whereas, under the previous Act, they could receive the benefit no later than 14 days from the date of their retirement. This means that, in practice, migrant workers may not get their retirement insurance benefit while staying in Korea, which is feared to go against Article 36 of the Labour Standards Act which provides that an employer should settle wage, retirement pay and all the other monetary payments for his/her employee no later than 14 days from the date of the employee's retirement.</p>
<p>124.32. Continue to adopt appropriate policies and laws to counter discrimination of women migrant workers and ensure that their children can enjoy rights to education and health (Sudan); Take further legislative measures to formulate policies on the prevention of discrimination and violence against migrant women and child workers and also guarantee their right to education and health (Iran (Islamic Republic of));</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 19</p>	Supported	<p>G4 Migrants  F13 Violence against women  B31 Equality &amp; non-discrimination  A42 Institutions &amp; policies - General  B32 Racial discrimination  F31 Children: definition; general principles; protection  A41 Constitutional and legislative framework  E41 Right to health - General  F12 Discrimination against women  E51 Right to education - General</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- children</li> <li>- migrants</li> <li>- women</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p><b>Female marriage immigrants</b></p> <p>The Government states that it has arranged a legal foundation to permit marriage immigrants to continue to stay in Korea even after divorce so long as they have an unavoidable reason to stay here, and that it has relieved the marriage immigrants' dependency on their Korean-national spouse for their sojourn status, by removing the legal requirement that marriage immigrants should submit their Korean-national spouse's written guarantee when they apply for a permit of extended stay.</p> <p>However, the problem is that, in practice, divorced marriage immigrants may be permitted to stay for an additional period only when they prove that the divorce is due to a reason attributable to their spouse. In particular, in case a female marriage immigrant is divorced simply for a reason of her spouse's change of mind, she fails to get a permit for extended stay from the Government, and her sojourn status becomes unstable if her former Korean husband arbitrarily calls back his guarantee for her.</p> <p><b>Unregistered migrant children's right to education</b></p> <p>With the revision of the Enforcement Ordinance to the Elementary and Secondary Education Act, even unregistered</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>migrant children may enter a school or transfer to another school, based on their 'certificate of residence'. However, their access to public education is still very difficult.</p> <p>As in December 2016, the statistical data of the Ministry of Justice estimated the number of total foreigners aged 19 or younger in the ROK at 141,991 persons<sup>9</sup>, but this number did not include the children who were born to unregistered migrant parents staying in this country. Civil society organizations estimate that there are more than 20,000 unregistered migrant children in the ROK. It is presumed that, as in 2015, only half of the 28,000 school-age children from foreign families in Korea, including the foreign-born school-age juveniles, were enrolled in school.</p>
<p>124.66. Take measures to ensure that the children of undocumented migrants are provided with access to medical services (Ireland);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 38</p>	Supported	<p>G4 Migrants  F31 Children: definition; general principles; protection  E41 Right to health - General  <b>Affected persons:</b>  - children  - migrants</p>	<p>Unregistered migrant children (including stateless children) may not subscribe to the Health Insurance (HI) and, therefore, are not eligible to the medical benefits under the HI. Although they can have their medical costs discounted or exempted once they use the designated hospitals under the "Marginalized Groups Support Program" of the Ministry of Health and Welfare, there are only a small number of designated hospitals and these hospitals are not easily accessible.</p> <p>The Ministry of Health and Welfare operates the program of 'management numbers' for unregistered migrant children: a management number is set for each of the unregistered migrant children who do not have a resident registration number or a foreigner registration number so that they can get free vaccinations at public health centers. However, this program is not well-known to the target group, is not linked to other relevant programs and is being operated only on a temporary basis.</p>

<sup>9</sup> Monthly Report on Immigration Service and Foreigner Policy (December 2016).

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b>Theme: G5 Refugees &amp; asylum seekers</b>			
<p>124.64. Promote the local integration of refugees, asylum seekers, and humanitarian status holders by extending multi-cultural programmes to them (Botswana);</p> <p><b>Source of position:</b> A/HRC/22/10/Add.1 - Para. 39</p>	Noted	<p>G5 Refugees &amp; asylum seekers            B31 Equality &amp; non-discrimination            E7 Cultural rights            A42 Institutions &amp; policies - General  <b>Affected persons:</b>            - refugees &amp; asylum seekers</p>	<p>Under the current conditions that the deliberation for refugee status recognition is a rather long process and the applicants for refugee are forbidden to get employed for six months from the date of application, the support for the applicants' cost of living is the minimal measure required for their survival. The Government reveals that the refugee status applicants have been offered the support for the cost of living in accordance with Article 40 (Support for the cost of living, etc.) of the Refugee Act which came into force in July 2013. However, no budget was allocated in 2013 for the support to refugee status applicants and it has yet to be confirmed whether the budget amounts allocated to support refugee status applicants since 2014 are sufficient enough to finance their minimum living.</p> <p>According to the data released by the Ministry of Justice, the total number of refugee status applicants in Korea over the period from 1994 to April 2016 was 17,523 and 592 out of them had their application recognized<sup>10</sup>, and this recognition rate is lower than the world's average recognition rate of 27%<sup>11</sup> stated in the 2014 Report of the United Nations High Commissioner for Refugees (UNHCR). Consequently, it is feared that a growing number of people might stay in this country without having their refugee status recognized or receiving the minimum support for a life worthy of human beings.<sup>12</sup></p> <p>On 25 August 2016, the NHRCK recommended the Ministry of Justice to revise the Refugee Act and other relevant legislation so that the reasons for the decision not to refer a refugee status application to the deliberation process should be minimized to non-compliance with formal</p>

<sup>10</sup> Over the period from 1994 to April 2016, 17,523 persons applied for refugee status; 592 of them were recognized as refugees; and 932 were allowed to stay in Korea for a humanitarian reason *Monthly Report on Immigration Service and Foreigner Policy of April 2016*).

<sup>11</sup> UNHCR, *Statistical Yearbook 2014*

<sup>12</sup> NHRCK Chairperson's Statement on World Refugee Day' dated 20 June 2016.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			<p>requirements and that all applications should be referred to the deliberation process, except for the cases where it is apparent that the applicant concerned is not a refugee. However, the Ministry of Justice refused to accept the NHRCK's recommendation, saying that if the reasons of not-to-refer decision are minimized to non-compliance with formal requirements, the Ministry is concerned that those who find it difficult to enter this country in a lawful manner might take advantage of refugee status application scheme, and as a result current national border security system could collapse.</p> <p>The Government needs to establish more active policy measures in order to protect human rights of refugees as one of the most human rights oriented countries.</p>